

Notice of Allowability

Application No.

09/272,911

Examiner

Roberta A Stevens

Applicant(s)

KIKUCHI, TAKESHI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-02-2004.
2. ☒ The allowed claim(s) is/are 1,4,5,10,13,14,19,21-23 and 28, renumbered 1-11.
3. ☒ The drawings filed on 03-19-1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3-13-01</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Glenn Cabona on Friday, January 7, 2005.

3. The application has been amended as follows:

Claim 2 has been cancelled.

Claim 4, line 2, "amount controller thins out the audio data to control its data amount." has been replaced with, --amount controller thins out the digital audio data to control its data amount.—

Claim 5, line 2, "data other than the audio includes MIDI data." has been replaced with, -- data other than the digital audio includes MIDI data.--

Claim 10, line 2, "the media" has been replaced with, --media—

Claim 13, line 2, "(b) thins out the audio data to control its data amount." has been replaced with, --(c) thins out the digital audio data to control its data amount.—

Claim 14, line 2, “data other than the audio includes MIDI data.” has been replaced with, --data other than the digital audio data includes MIDI data.—

**Claim 21, line 2, “(c)” has been replaced with, -(d)--
line 3, “controlled by said step (b), together with the audio data.” has been replaced with, --controlled by said step (c), together with the digital audio data.—**

Claim 22, line 2, “wherein said step (b) thins out the audio data to control its data amount.” has been replaced with, --wherein said step (c) thins out the digital audio data to control its data amount.—

Claim 23, line 2, “wherein the media data other than the audio data includes MIDI data.” has been replaced with, --wherein the media data other than the digital audio data includes MIDI data.—

4. The following is an examiner’s statement of reasons for allowance: the prior art doe not teach or fairly suggest a communication device comprising: **an input device that inputs digital audio data and media data other than the digital audio data to the communications device;** a data amount controller which controls the amount of the digital audio data to be transmitted in accordance with the transfer rate; and a transmitter which transmits the audio data whose data amount is controlled by data amount controller and the media data other than the audio data and

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data amount information indicating data amount of the audio data controlled by data amount controller as recited in independent claims 1, 10, 19 and 28.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
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STEVEN NGUYEN
PRIMARY EXAMINER